

**REMARKS**

This Amendment responds to the Office Action dated January 10, 2008, in which the Examiner rejected claims 1, 3-5, 8-14 and 17-19 under 35 U.S.C. § 102(b), and rejected claims 6-7 and 15-16 under 35 U.S.C. § 103.

As indicated above, claims 1 and 11 have been amended in order to make explicit what is implicit in the claims. The amendments are unrelated to a statutory requirement for patentability. Claims 3 and 12 have been amended to correspond to the amendments made to claims 1 and 11. The amendments to claims 3 and 12 are unrelated to a statutory requirement for patentability and do not narrow the literal scope of the claims.

Claim 1 claims a data transmission controlling method and claim 11 claims a data transmission system. Encrypted data is transmitted over a first communication channel. The first communication channel is provided for data transmission only from a data transmitting means to a data receiving means. Restrictive data transmission control information is transmitted over a second communication channel from the data transmitting means to the data receiving means upon request for a decryption key by a conditional access managing unit incorporated in the data receiving means. The restrictive data communication control information causes the encrypted data to be received solely by a specific data receiving means. The second communication channel is also used for data transmission from the data receiving means to the data transmitting means. The second communication channel allows bi-directional communication between the data transmitting means and the data receiving means.

By transmitting restrictive data transmission control information upon request for a decryption key by a conditional access managing unit incorporated in the data receiving means as claimed in claims 1 and 11, the claimed invention provides a data transmission control method

and apparatus in which data transmission from a transmitter to a receiver allows the transmitter to know whether the data sent to a specific data receiving receiver has been correctly received. Additionally, the claimed invention allows content/data to be sent via the first communication channel and allows control information to be sent via the second communication channel. The prior art does not show, teach or suggest the invention as claimed in claims 1 and 11.

Claims 1, 3-5, 8-14 and 17-19 were rejected under 35 U.S.C. § 103 as being unpatentable over *Seth-Smith, et al.* (U.S. Patent No. 4,829,569).

*Seth-Smith, et al.* appears to disclose a user can communicate with a broadcaster by conventional communication facilities such as telephone or mail (Col. 6, line 65 – Col. 7, line 5). Nothing in *Seth-Smith, et al.* shows, teaches or suggests (a) a conditional access managing unit, incorporated in a data receiving means, requesting a decryption key and (b) transmitting restrictive data transmission control information upon a request for a decryption key as claimed in claims 1 and 11. Rather, *Seth-Smith, et al.* only discloses that a user can communicate with a broadcaster by conventional communication facilities such as a telephone or mail.

Applicants respectfully point out that a user who communicates with the broadcaster, only communicates sporadically with a broadcaster such as for requesting additional service or for paying a bill. Nothing in *Seth-Smith, et al.* shows, teaches or suggests a conditional access managing unit incorporated in a data receiving means requesting a decryption key as claimed in claims 1 and 11. Rather, *Seth-Smith, et al.* only discloses a user sporadically requesting additional service or bill payment.

Since nothing in *Seth-Smith, et al.* shows, teaches or suggests transmitting restrictive data transmission control information upon request for a decryption key by a conditional access managing unit incorporated in a data receiving means as claimed in claims 1 and 11, Applicant

respectfully requests the Examiner withdraws the rejection to claims 1 and 11 under 35 U.S.C. § 102(b).

Claims 3-5, 8-10, 12-14 and 17-19 depend from claims 1 and 11 and recite additional features. Applicant respectfully submits that claims 3-5, 8-10, 12-14 and 17-19 would not have been anticipated within the meaning of 35 U.S.C. § 102(b) over *Seth-Smith, et al.*, at least for the reasons as set forth above. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claim 3-5, 8-10, 12-14 and 17-19 under 35 U.S.C. § 102(b).

Claims 6-7 and 15-16 were rejected under 35 U.S.C. § 103 as being unpatentable over *Seth-Smith, et al.*, in view of *Mueller* (U.S. Patent No. 5,602,917).

Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicant respectfully requests the Examiner withdraws the rejection to the claims and allows the claims to issue.

As discussed above, since nothing in *Seth-Smith, et al.* shows, teaches or suggests the primary features as claimed in claims 1 and 11, Applicant respectfully submits that the combination of the primary reference with the secondary reference to *Mueller* will not overcome the deficiencies of the primary reference. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 6-7 and 15-16 under 35 U.S.C. § 103.

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

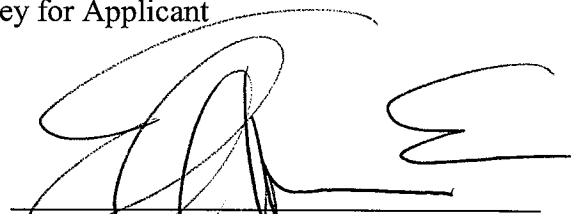
In the event that any additional fees are due with this paper, please charge our Deposit Account No. 05-0320.

Respectfully submitted,

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Date: April 10, 2008

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